

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

SAMANTHA SPENCE,

Plaintiff,

VS.

MUTUAL CREDIT SERVICES, INC.,

Defendant.

Case No. 16-cv-00155-JPG-DGW

## MEMORANDUM AND ORDER

This matter comes before the Court *sua sponte*. Due to the untimely death of plaintiff's counsel, the Court issued an order granting the plaintiff 90 days for new counsel to enter an appearance or for the plaintiff to indicate that she would precede *pro se* in this matter. (Doc. 15). Plaintiff has failed to take either action.

The Court notes that a Stipulation of Dismissal (Doc. 19) was filed in this matter. However, the Stipulation was signed by an attorney for the plaintiff who had not entered an appearance in this matter. After being advised that he would need to enter an appearance, counsel failed to do so.

Therefore, this matter is **DISMISSED** without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b) and the Court's inherent authority to manage its docket. *See In re Bluestein & Co.*, 68 F.3d 1022, 1025 (7th Cir. 1995). The Clerk of Court is **DIRECTED** to enter judgment according.

**IT IS SO ORDERED.**

**DATED: 9/21/2016**

*s/J. Phil Gilbert*  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**